#### **Permit Packet Includes:**

- 1. Process Overview
- 2. Endangered Species Act of 1973 (see Addendum ESA)
- 3. EPA, FWS, and NMFS MOA, February 2001 (see Addendum ESA)
- 4. Section 10 Regulations (see Addendum **ESA Section 10**)
- 5. FWS and NMFS HCP and ITP Processing Handbook, November 1996 (see Addendum **ESA Section 10**)
- 6. Addendum to FWS and NMFS HCP and ITP Processing Handbook, June 2000 (see Addendum **ESA Section 10**)
- 7. HCP Assurances "No Surprises" Rule, February 1998 (see Addendum **ESA Section 10**)
- 8. FWS and NOAA Safe Harbor Policy, June 1999 (see Addendum **ESA Section 10**)
- 9. Federal Fish and Wildlife Permit Application Form for ITPs Associated with a HCP, November 2007

**Approval or Permit Required:** To conduct an otherwise lawful activity that might incidentally,

but not intentionally, "take" (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) an Endangered Species Act (ESA) listed

terrestrial and freshwater aquatic species.

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#### Websites:

Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Services:

http://www.fws.gov/pacificislands/

Consultation and Habitat Conservation Planning Program:

http://www.fws.gov/pacificislands/ctap.html

Endangered Species Consultation Handbook:

http://training.fws.gov/EC/Resources/HCP/Guidance\_and\_Directors\_Memo/FWS\_NMFS\_Sec\_7\_H andbook 1998.pdf

Fact Sheet - HCP:

http://www.fws.gov/midwest/endangered/permits/hcp/hcp\_wofactsheet.html

Incidental Take Permits – HCP:

http://www.fws.gov/forms/3-200-56.pdf

### Notes:

- An Endangered Species Act (ESA) Section 7 Determination is required for any federal agency (other than FWS) providing any type of authorization or funding to a proposed project. This federal agency (the "action agency") is required to obtain a Biological Opinion (BO) and Incidental Take Statement (ITS), also known as an Endangered Species Permit, to allow the agency to authorize or fund the project.
- Section 7 will apply to the majority of renewable energy projects in Hawai`i.
- An ESA Section 10 Determination is required for non-federal entities to obtain an Incidental Take Permit (ITP), which is only necessary if there is no federal authorization or funding to the proposed project.

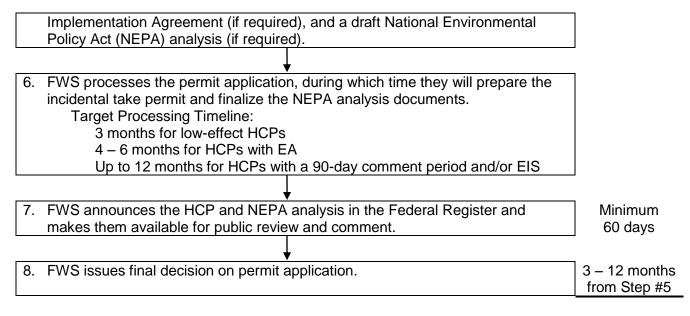
Steps Time

- Contact the FWS Pacific Islands Office to receive guidance on developing complete and adequate application materials and to determine when the application form and materials are ready for submission.
- 2. Obtain NEPA determination and draft analysis (CX, EA, or EIS). FWS is responsible for ensuring NEPA compliance during the habitat conservation plan (HCP) process. However, if FWS does not have sufficient staff resources to prepare the appropriate NEPA analysis in a timely fashion, an applicant may, within certain limitations, prepare draft Environmental Assessment analyses. This can benefit the applicant and the government by expediting the application process and issuance of the permit. When this is done, FWS will provide the preparer with appropriate guidance concerning document preparation; and review the document within 30 days and take responsibility ultimately for its scope, adequacy, and content.

Up to 1 year

 Submit a Scientific Purposes, Enhancement of Propagation or Survival permit (commonly called a Recovery permit) application before engaging in any biological survey activities that would take listed species. Contact the FWS Pacific Islands Office to receive guidance on developing complete and adequate application materials. Minimum 3 months prior to start of survey activities

- 4. Draft a conservation plan (CP), also known as a habitat conservation plan (HCP). A biological survey may be required to determine which species and/or habitat would be impacted by the activities sought to be covered under the permit. Biological surveys provide information necessary to develop an adequate HCP, and to assess the biological impacts of the proposed activities. In addition, the information provided in a biological survey can reduce the applicant's risk of take under Section 9 of the Endangered Species Act by ensuring that affected species and/or habitat are identified and appropriately covered under the permit.
- 5. Submit complete application package. The application package typically includes the standard application form, fee (if required), a HCP, an



Total Time Period: 3 months to 2 years

Fees	Amount	Maximum
Application fee	\$25	\$25
Total Fees:	\$25 (minimum)	\$25 (maximum)